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Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council

Draft report

I. Introduction

1. In its resolution 48/26 of 3 December 1993, the General Assembly decided to establish an open-ended working group to consider all aspects of the question of increase in the membership of the Security Council and other matters related to the Council.

2. The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council began its deliberations in January 1994. The Working Group submitted progress reports to the General Assembly at its forty-eighth to fifty-ninth sessions. At those sessions, the Assembly extended the mandate of the Working Group.

3. On 21 November 1998, the General Assembly adopted resolution 53/30 in connection with the agenda item of the Working Group entitled "Majority required for taking decisions on Security Council reform".

4. In the United Nations Millennium Declaration, Heads of State and Government resolved, in respect of ongoing deliberations on Security Council reform, to intensify their efforts to achieve comprehensive reform of the Council in all its aspects (see General Assembly resolution 55/2, annex, para. 30).

5. In the 2005 World Summit Outcome of 16 September 2005, Heads of State and Government expressed support for early reform of the Security Council and recommended that the Security Council continue to adapt its working methods (see General Assembly resolution 60/1, paras. 153 and 154).

6. Following the deliberations of the Working Group, the General Assembly, in its decision 59/566, decided that the Group should continue its work and should submit a report to the Assembly before the end of the sixtieth session, including any agreed recommendations. The present report is submitted pursuant to that decision.

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II. Sixtieth session of the General Assembly

7. The issue of the reform of the Security Council continues to be among those issues addressed at the annual general debate of the General Assembly. Many Heads of State and Government and other high-level representatives of Member States expressed the views of their Governments on the issue during the 2005 World Summit, held from 14 to 16 September 2005, and the general debate of the sixtieth session of the General Assembly, held from 17 to 28 September 2005.

8. Member States also expressed their views on the reform of the Security Council when the General Assembly considered the item entitled "Question of equitable representation on and increase in the membership of the Security Council and related matters" (item 117) on 10 and 11 November 2005 (see A/60/PV.47-50) and on 20 and 21 July 2006 (see A/60/PV.94-96).

III. Proceedings of the Open-ended Working Group during the sixtieth session of the General Assembly

A. Organizational matters

9. The President of the General Assembly, Jan Eliasson (Sweden), served as Chairperson of the Working Group. Ambassadors Paulette Bethel (Bahamas) and Franciscus Antonius Maria Majoor (Netherlands) served as Vice-Chairpersons.

10. Meetings of the Working Group were chaired, when the Chairperson was not present, by one of the Vice-Chairpersons.

B. Meetings and informal consultations of the Working Group

11. At its 1st meeting, on 20 April 2006, the Working Group endorsed the appointment of two Vice-Chairpersons.

12. At the same meeting, a Vice-Chairperson briefed the Working Group on the informal consultations of the Vice-Chairpersons with various delegations (see annex I).

13. Also at the same meeting, the Working Group had a general exchange of views.

14. At its 2nd meeting, on 20 April, the Working Group concluded its general exchange of views and heard concluding remarks by a Vice-Chairperson (see annex II).

15. During the intersessional period of the General Assembly at its sixtieth session, the Vice-Chairpersons conducted extensive informal consultations with various delegations. At those consultations, the Vice-Chairpersons also touched upon the future role of the Working Group. It was suggested that, during the plenary of the sixty-first session of the General Assembly, the Working Group discuss the relationship between the work of the Working Group and the process of implementation of the 2005 World Summit Outcome. In that context, the Working Group could explicitly address its mandate and functions.

C. Adoption of the report of the Working Group

16. At its ____ meeting, on _____, the Working Group considered and adopted the present report.

IV. Recommendations

17. At its _____ meeting, on _____, the Working Group concluded its work for the sixtieth session of the General Assembly. The Working Group decided to recommend that consideration of this item be continued at the sixty-first session of the Assembly, building upon the work done during previous sessions and with a view to facilitating the process of reaching general agreement. To that end, the Working Group recommends to the Assembly the adoption of the following draft decision:

"The General Assembly,

"Recalling its previous resolutions and decisions relevant to the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council,

"Having considered the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, which was established pursuant to its resolution 48/26 of 3 December 1993, on its deliberations during the sixtieth session of the General Assembly,[1]

"Bearing in mind the United Nations Millennium Declaration of 8 September 2000 adopted by Heads of State and Government,[2] in which they resolved, in respect of reform of the Security Council, to intensify their efforts to achieve a comprehensive reform of the Security Council in all its aspects,

"Recalling the 2005 World Summit Outcome of 16 September 2005, in which Heads of State and Government expressed support for early reform of the Security Council and recommended that the Security Council continue to adapt its working methods:

"(a) Takes note of the report of the Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council on its work during the sixtieth session of the General Assembly;[1]

"(b) Notes with appreciation the Chairman's initiative to stimulate an active discussion relating to the comprehensive reform of the Security Council by the Working Group;

"(c) Urges the Working Group to continue to exert efforts during the sixty-first session aimed at achieving progress in the consideration of all issues relevant to the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council;

"(d) Decides that the question of equitable representation on and increase in the membership of the Security Council and other matters related

to the Security Council should be considered during the sixty-first session of the General Assembly;

"(e) Also decides that the Working Group should continue its work, taking into account the progress achieved during the forty-eighth to sixtieth sessions of the General Assembly and drawing on the experience of the sixtieth session, as well as the views expressed during the sixty-first session, including on the mandate and functions of the Working Group, and also taking into consideration the discussion held during the plenary of the sixty-first session of the Assembly on the process of implementation of the 2005 World Summit Outcome;

"(f) Further decides that the Working Group should submit a report to the General Assembly before the end of the sixty-first session of the Assembly, including any agreed recommendations."

Notes

[1] To be issued as *Official Records of the General Assembly, Sixtieth Session, Supplement No. 47* (A/60/47).

[2] See General Assembly resolution 55/2.

Annex I

Introduction by the Vice-Chairpersons Thursday, 20 April 2006

I would like to take this opportunity, on behalf of my co-Vice-Chair, Ambassador Frank Majoor, and myself, to thank President Eliasson, as well as the Member States, for the trust and confidence reposed in us through our appointments.

Approximately three months ago, on 26 January, Ambassador Majoor and I began a series of bilateral consultations on the prospective undertakings of the Open-ended Working Group during the sixtieth session of the General Assembly and on the topic of Security Council reform in general. Within the space of two months, we were able to speak with no fewer than 58 delegations, tapping into the broad spectrum of regional and subregional groups, as well as other groupings that comprise our Organization. We believe that these wide and varied consultations, while not exhaustive, were certainly comprehensive and representative, providing us with some valuable insights into how the Member States would wish to proceed with these matters at this point in time. I would like to share with you, briefly, some of the findings that have emerged from our consultations.

State of play, Security Council reform

First of all, most delegations emphasized that Security Council reform is part and parcel of the overall United Nations reform agenda. At the same time, many delegations believe that it should not be allowed to overshadow the ongoing reform discussions and efforts in other areas. Those Member States expressed the fear that extensive debates on Security Council reform would detract from such other issues as the Human Rights Council, and Secretariat and Management reform, to which they felt priority should be given at this point in time. Thus, although delegations attach varying degrees of importance to Security Council reform, the issue continues to attract a great deal of interest and, indeed, in recent weeks and months there have been a number of developments in this area.

Enlargement of the Council

When discussing the substance of possible enlargement of the Council, many delegations pointed to developments related to the tabling, in early January, of the Group of Four draft resolution sponsored by Brazil, Germany and India. The Group of Four has explicitly indicated that it expects informal consultations of the plenary to be held during the sixtieth session of the General Assembly, taking into account all proposals on this important issue. They have also indicated a continued willingness to engage in substantive discussions with Member States.

The summit of the African Union in Khartoum, on 23 and 24 January, was another development on which numerous Member States commented. Many delegations, both inside and outside the African Group, regard the African position as one of the decisive factors for Council reform.

As you are aware, members of Uniting for Consensus tabled a draft resolution in the previous session of the General Assembly. Some of the members of Uniting

for Consensus indicated that it was not the intention of their group to re-table their draft resolution at this juncture. In general, they maintained the position that any reform of the Council should be undertaken from the bottom up, with the objective of garnering the widest possible consensus.

Finally, several delegations commented that it might now be time to start looking for flexibility and possible, alternative options. Several raised questions such as: "Can we overcome the dichotomy of expansion that includes new permanent members and expansion with just non-permanent members?" "Is there an acceptable middle ground?" "Should we first have a debate on the criteria that prospective members should possess?" And, "Given a general reluctance to expand the veto power, how does that fit into the overall expansion equation?"

In this regard, a prominent question was "What would be the ideal number of Security Council seats?" At stake was the need to expand the Council so as to make it more representative and broaden its legitimacy without reducing its effectiveness and efficiency. The idea of long-term, renewable seats, possibly in conjunction with a binding review clause, was also broached by some delegations. A number of delegations pointed to the possibility of allocating permanent seats to regions and leaving it up to the regions to arrange for the incumbency of those seats.

A few delegations commented that any reform proposal should come from a neutral source, and not be primarily driven by permanent seat aspirants. Thus far, however, these issues have not been discussed in any depth.

Working methods of the Council

With regard to the working methods of the Council, many delegations commented on the initiative by the five countries whose draft resolution was tabled on 17 March. A number of countries expressed support for the draft resolution, which they saw as the outcome of many years of discussions in the Open-ended Working Group.

Although supportive of the contents, some other delegations expressed the opinion that action on the working methods would dissipate the pressure for expansion. They therefore preferred a comprehensive and integrated approach to Security Council reform. Other countries, as well as the five countries themselves, expressed the view that addressing working methods and expansion in separate but parallel processes could achieve better results in both areas.

Many indicated that support from the permanent members would be crucial for the implementation of modifications to the working methods of the Council. Some countries therefore preferred to engage the permanent members to the greatest extent possible; at the same time, however, other countries stated that it was up to the General Assembly to take a clear and principled stance on the issue. The provisions related to the veto tended to generate the most controversy.

In a development related to working methods, it was brought to the attention of the Vice-Chairs that the Security Council had appointed Japan as Chair of the Council's Informal Working Group on Documentation and Other Procedural Questions for a period of six months. In that capacity, Japan has expressed its intention to work in a comprehensive way on the internal workings of the Security

Council, as well as on the Council's open and transparent the communication with other bodies.

Prospective work of the Open-ended Working Group

As the President pointed out, there was wide concurrence that it would be useful to provide Member States with an opportunity to exchange views on recent developments in the area of Security Council reform, given that the latest such discussion had taken place, early in November 2005, during the joint debate in the plenary of the sixtieth session of the General Assembly on the report of the Security Council and the report of the Open-ended Working Group. Since there has been no occasion for an open, inclusive and transparent discussion of developments since that debate, many delegations expressed the opinion that the Open-ended Working Group sessions could and should provide such an opportunity. The exchange of views would, for all intents and purposes, give the entire membership a chance to react to the proposals put before it thus far and, in like manner, provide the respective proponents with feedback on those proposals. The proponents themselves welcomed the opportunity to receive the feedback, with the understanding that the exercise would in no way be considered a negotiating process on those proposals.

Furthermore, delegations eschewed the idea of discussions on clusters I and II as separate issues in the context of the Working Group, given the already exhaustive treatment of those clusters in previous sessions of the Working Group. For the most part, delegations also rejected the idea of theme- or issue-oriented discussions as the basis of the Working Group's activities during the session.

Conclusion

In view of the foregoing, we anticipate an interesting and rich exchange of views on all aspects of and all proposals on Security Council reform. Your comments during this exercise will serve to guide us in the weeks and months ahead. In this context, your views on the prospective work of the Open-ended Working Group would also be welcome and helpful, as indicated earlier by President Eliasson.

In closing, I would like to thank all of you, once again, on behalf of Ambassador Majoor and myself, for your support and cooperation. The consultations thus far have been most informative and we look forward to working with all delegations, in diverse configurations and forums, in pursuit of the important goal of Security Council reform.

Thank you for your attention.

Annex II

Closing remarks by the Vice-Chairpersons Thursday, 20 April 2006

Main points of the debate

Introduction

In their closing remarks, the Vice-Chairpersons:

- Expressed thanks for the endorsement and received the good wishes expressed to them
- Expressed thanks for the constructive contributions to the debate
- Commented on the usefulness and comprehensive nature of the debate and on the broad participation, which could have been broader
- Commented on the many aspects both related to enlargement and working methods that were addressed
- Following what was indicated by the President of the General Assembly, made some closing remarks on the substance of the debate, before proceeding to the way forward
- Indicated that the summary was not meant to be exhaustive or to cover all that had been said, but that it hopefully grasped the main points that had been made in the debate

Case for Security Council reform

- Broad support was heard for Security Council reform, across the board, among all groups. The 2005 World Summit Outcome provided a guideline. According to one delegation, non-action was not an option. Some were more specific in stating that action should be taken during the sixtieth session of the General Assembly.
- Although "reform fatigue" was mentioned, no one expressed fear that continued discussion on Security Council reform would overshadow or jeopardize other reform efforts.
- Indeed, some argued that successful Security Council reform would facilitate progress on other reform issues.
- The opinion was expressed that reform, both on enlargement and working methods, should take place with the broadest possible agreement. There was still discussion on how broad. Some did not exclude the use of a vote, others did.
- A discussion was held on the relationship between enlargement and working methods. Some favoured a comprehensive approach. Others deemed the two issues separable and of a different nature: enlargement was an event requiring Charter amendment, whereas the reform of working methods was a continuous process.

Enlargement of the Security Council

- There was still a great deal of commonality in thinking on the need for enlargement. Catch phrases that were widely used made reference to the need to make the Council more representative, the need to increase the legitimacy of Council decisions, and the need to better reflect geopolitical realities, geopolitical diversity, balance of power and global stability.
- The commonality in thinking was all the more so because the Security Council was assuming a bigger role, with more authority, a wider range of subjects and an expanded interpretation of international peace and security. All of those demands required increasing the legitimacy of the Council.
- In that regard, some also mentioned the issue of encroachment by the Security Council on the competences of the General Assembly.
- The increased effectiveness of the Council was a goal shared by all. Nevertheless, the modalities of enlargement remained under debate.
- Some made the case that only the expansion of the number of permanent members would change the dynamics in the Council, would really change things.
- Others repeated their opposition to anything permanent. Different definitions of permanent were discussed, including permanent member with a veto, permanent members without a veto and permanent seats for regions. The notion of renewable seats was also mentioned.
- Several countries indicated the necessity to take into account the position of small States in any enlargement model.
- Concretely, the sponsors of the various draft resolutions repeated the features of their respective proposals. Some delegations mentioned the need to look at alternative ideas but no concrete new ideas were presented. There were, however, indications of flexibility.

Working methods of the Security Council

- There was broad recognition of the necessity to adapt the working methods of the Security Council.
- It was essential to: (a) involve non-Council members in the work of the Security Council; (b) enhance accountability; and (c) increase transparency.
- On the working methods, a statement was made by Japan, on behalf of the Security Council's Informal Working Group on Documentation and Other Procedural Questions. The Vice-Chairpersons expressed appreciation for the information on the approach the Security Council was taking.
- Also welcomed was the willingness of the whole Security Council's Informal Working Group on Documentation and Other Procedural Questions, as expressed through its Chairman, to listen to and to benefit from the work of the Open-ended Working Group. It remained to be determined how that could be expanded upon, and how further dialogue could be shaped.

- Most delegations commented on the five-country resolution, which was seen by many as the culmination of many years of work in the Open-ended Working Group on Security Council working methods.
- The contents of the five-country resolution attracted broad support. As mentioned, some preferred a comprehensive approach. The possibility of a vote on the resolution was met by some countries with some hesitance.
- As for the resolution itself, some delegations floated additional ideas and suggestions on the Security Council working methods, including ideas related to additional open meetings of the Security Council and more involvement by countries concerned.

On the veto

- The issue of the veto was mentioned separately. A number of delegations underlined that it continues to be a crucial issue, both with regard to enlargement and to working methods.
- Opinions ranged from altogether abolishing the veto to limiting its use.
- The debate showed that it remained a point of divergence.

Future work

- The debate was helpful, inter alia, for the President of the General Assembly and Vice-Chairpersons to direct their further work and for the proponents of the various proposals to determine their chances. Not least of all, it was helpful for the wider membership to deepen the understanding of the issue and to get a fresh update of what bound them and what divided them.
- Judging from the debate, delegations were in favour of a continued discussion of the issue and of keeping it alive.
- At the same time, tangible progress would ultimately depend on political will.
- There was broad acknowledgement that the Open-ended Working Group was not a negotiating forum. However, it played a useful role for debate and dialogue (as on 20 April 2006). It also was useful for preparing the groundwork for discussions in other forums.
- The President of the General Assembly and Vice-Chairpersons digested the interventions and comments and made available the introduction in which they had reported about the bilateral consultations.
- The Vice-Chairpersons remarked that they would work closely with the Chairman of the Security Council Informal Working Group on Documentation and Other Procedural Questions to ensure further dialogue.
- The Vice-Chairpersons commented that it was in the hands of the membership and that they were ready to receive comments and suggestions.
- They would continue with bilateral consultations to determine the best way forward. The option of a further session was open. It also allowed them to speak further with delegations that had expressed the wish to come back to the issue, after consultation in their regional groups.